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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,850	11/17/2000	Warren Adams	AMAZON.054A	8971

20995 7590 07/05/2005

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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,850

Applicant(s)

ADAMS ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,6-12,14,16,17,20-22 and 32-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,6-12,14,16,17,20-22 and 32-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/02/04; 11/05/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Applicant canceled claims 1-3, 5, 13, 15, 18, 19, 23-31, amended claims 4, 8, 11, 12, 14, 20, and 22, and newly added claims 32-46. All pending claims (4, 6-12, 14, 16, 17, 20-22, and 32-46) were examined in this final office action necessitated by amendment.

Response to Arguments

Rejection under 35 USC 103(a)

Applicant's arguments filed 24 March 2005 have been fully considered but they are not persuasive.

PlanetAll teaches a first user selectively making personal profile information available to one or more user contacts on a selective basis. PlanetAll's teachings are confined to personal contact paradigm that allows a second user to receive selective first user profile information that influences the second user's actions. For example, a second user determines a first user will be traveling in a city at the same time period as the second user and contacts the first user to arrange a meeting. Amazon teaches a user's past purchases and/or the aggregation of over 3 million users' past purchases being used to influence the user's purchase decision-making process. Amazon teaches integrating PlanetAll into the Amazon shopping paradigm wherein a PlanetAll user can receive recommendation for a

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further purchase based on past purchases. It is well within the skill for one of ordinary skill in the art to ascertain that a friend or family member contact passing past purchase information to influence a friend or family member's further purchase is old and well-known.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 4, 6-8, 10-12, 14, 16, 20-22, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, are rejected under 35 USC 103(a) as being unpatentable over PlanetAll (a collection of prior art cited in Paper #5, PTO-892, Item: U-V), in view of Amazon (a collection of prior art cited in Paper #5, PTO-892, Items: W-X), further in view of PhotoNet (PTO-892, Item: U).**

PlanetAll teaches a web site where a member (hereinafter referred to as first customer) creates a personal profile, and defines a circle of contacts (hereinafter referred to as second customer) based on the information provided (Item: U, page 1). PlanetAll further teaches:

- Retrieving from a database first customer profile information: uses system databases for storage and retrieval (Item: U, page 2).
- Receiving authorization from the first customer to share at least a portion of personal information with a second customer: security system allows only those people (second customers) the first customer specifies to see information from the first customer's profile, and letting the specified

second customer(s) see only what the first customer wants them to see (Item: U, page 2; Item: V, page 8).

- Transmitting the personal information to the first customer for display: web page that shows personal information (e.g. user's calendar) (Item: V, see at least pages 10-11 and 12-13).
- Receiving authorization from second customer to share first customer personal information with a third customer: Friends of Friends feature supplements Crossing Paths by adding friends (third customers) of a member's contacts (second customers) to the member's (first customer) contact list (please note examiner's interpretation: second customer reveals to the first customer who is authorized to see second customer's personal information and likewise, first customer reveals to second customer its third members who have permission to see first customer's personal information (Item: U, see at least page 2)).
- Notification: daily email messages with active links to information (please note examiner's interpretation: sending an invitation to view a user's personal information) (Item: U, page 2; Item: V, page 1); automatically updates address books (please note address book is displayed as a web page) (Item: U, page 2); electronic links with customers, calendar event alerts (Item: V, pages 8, and 11); providing a preview (Item: V, page 19).
- Identity: email messages identify second customers (Item: V, page 18).

- Permissions Scheme: allows first customer to designate which of their contacts (second customers) sees their information (please note examiner's interpretation: system is asking the first customer to specify who and what information second customers are permitted to see); distinguishes between personal and professional information (e.g. allowing a second customer to see first customer's employer, work address, and work phone number) (please note examiner's interpretation based on example: contacts can be a first customer's business customer) (Item: V, page 9).
- Listing information: (Item: V, pages 12-13).

PlanetAll teaches all the above as noted under the 103(a) rejection and teaches retrieving a first customer's personal profile from system databases, sharing personal information on a selective basis with second customers, but does not disclose integrating PlanetAll's customer-to-customer contact service into Amazon.com's online sales system. Amazon teaches integrating PlanetAll's service and databases into Amazon.com's service to allow customers to share information about themselves on a customer-by-customer basis (Item: W, see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PlanetAll to disclose integrating PlanetAll's contact management service into Amazon.com's online sales system as taught by Amazon, in order to facilitate customer-to-customer

contact, and thereby increase communication among customers of the online sales system who have similar interests.

PlanetAll teaches all the above as noted under the 103(a) rejection but does not disclose indicia of items in purchase history includes a least an item review authored by the first customer. Amazon teaches all the above as noted under the 103(a) rejection and teaches a) integrating the PlanetAll service that allows Amazon.com customers to read book and music reviews written by customers who have similar interests, professions, ages, and "so on" which will help their buying decisions (Item: W, page 2), and b) using purchase history of a first customer to influence a second customer's purchase behavior. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PlanetAll to disclose an authored review as indicia as taught by Amazon, in order to influence customers in a circle of contacts with written book reviews, and thereby increase sales for the service.

PlanetAll and Amazon teach all the above as noted under the 103(a) rejection and teach a) automating communication between customers (e.g. first customer and second customer) belonging to a circle of similar interests, b) each customer selectively deciding what information to disclose to each contact, c) a customer receiving further purchase recommendations based on past purchase history based on personal interests and aggregate past purchase history of 3 million purchasers, and d) using the integrated service to facilitate customers influencing buying decisions of customers of similar interests or ages (Item: W, see at least

page 2). PlanetAll and Amazon, however, do not specifically disclose a first customer sharing a portion of the first customer's past purchase history with a second customer. PhotoNet teaches a user (please note examiner's interpretation: a first customer) making a purchase, emailing friends or family (please note examiner's interpretation: second customer(s) of similar interests with the first customer) hot links and an access code to access processed photos online and ordering reprints (please note examiner's interpretation: first customer's contacts accessing the first's customer's past purchase history uniquely associated with the first customer, and making further purchasing decisions based on the past purchase history of the first user) (U: see at least page 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PlanetAll and Amazon to disclose a first customer sharing past purchase history with a second customer as taught by Amazon, in order to influence a circle of contacts, and thereby increase sales for the service.

- 2. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over PlanetAll (a collection prior art cited in Paper #5, PTO-892, Item: U-V), Amazon (a collection prior art cited in Paper #5, PTO-892, Items: W-X), and PhotoNet (PTO-892, Item: U), as applied to Claim 8, further in view of Official Notice (regarding well within the skill, hereinafter referred to as "ON1").**

PlanetAll, Amazon, and PhotoNet teach all the following as noted above in the 103(a) rejection and teach a) customers providing the commerce service with email addresses of potential non-customers (Item: V, see at least page 8), b) a virtual address book containing customer and non-customers (Item: V, see at least page 12), c) email notifications containing active links to web pages, d) a "Sign Me Up" icon that automatically links a non-customer to the commerce site sign-up web page (please refer to page 21 of Applicant's Specification: the token contains a link to the commerce entity's sign-up web page, and uses a one-use token in an email invitation to a non-member) (Item: V, see at least pages 3 and 18), and e) PlanetAll taking on the task of listing a customer's (a first customer) contacts for the first customer (Item: V, see at least page 14, Internet World Magazine, June 1997). PlanetAll, Amazon, and PhotoNet, however, do not specifically disclose including a one-use token if the second customer's email address does not match any email address stored in a customer database associated with the electronic commerce entity. It would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of PlanetAll, Amazon, and PhotoNet to disclose including a one-use token in the email invitation to the commerce service's sign-up web page, since one of ordinary skill in the art would ascertain a hot link to the commerce service's web page included in the email invitation to the non-member would provide a user convenience for login, and thereby facilitate the growth of contacts that would be attractive to current customers and the service.

3. **Claim 17 is rejected under 35 USC 103(a) as being unpatentable over PlanetAll (a collection of prior art cited in Paper#5, PTO-892, Item: U-V), Amazon (a collection of prior art cited in Paper #5, PTO-892, Items: W-X), and PhotoNet (PTO-892, Item: U), as applied to Claim 4, further in view of Official Notice (regarding well within the skill, hereinafter referred to as "ON2").**

PlanetAll, Amazon, and PhotoNet teach all the following as noted above in the 103(a) rejection and teach a first customer authorizing a second customer to review personal information and past purchase history that influences buying decisions, but do not disclose viewing a first customer's wish list or auctions. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose viewing a first customer's wish list or auction, since it is well within the skill to ascertain that a first customer's wish list and auctions are a first customer's interests, and therefore influences a second customer having similar interests as the first customer.

4. **Claim 40 is rejected under 35 USC 103(a) as being unpatentable over PlanetAll (a collection of prior art cited in Paper#5, PTO-892, Item: U-V), Amazon (a collection of prior art cited in Paper #5, PTO-892, Items: W-X), and PhotoNet (PTO-892, Item: U), as applied to Claim 39, further in view of**

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Official Notice (regarding well within the skill, hereinafter referred to as “ON3”).

PlanetAll, Amazon, and PhotoNet teach all the above as noted under the 103(a) rejection and teach a) the first customer editing personal information, b) first customer determining what the second customer sees, and c) second customer viewing a first customer's past purchases, but do not disclose first customer editing selections of past purchases to be shared with a second customer. It would have been obvious to one of ordinary skill in the art at time of the invention to disclose the first customer editing past purchase information to be shared with a second customer, since it is well within the skill to ascertain that a first customer can edit personal information to be viewed by a second customer.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is positioned above the printed name.

Robert M. Pond
Primary Examiner
June 27, 2005